

leases in triplicate, executed by you as Superintendent of Public Works and as director thereof, whereby there are leased to the City of Cincinnati for terms of ninety-nine years each, renewable forever, certain parcels of abandoned Miami and Erie Canal lands, which have been heretofore relinquished by the City of Cincinnati to the State of Ohio under the provisions of an act passed April 20, 1927, 112 O. L. 210.

The several parcels of land covered by said respective leases and the appraised valuation thereof are as follows:

Parcel.	Location of Property.	Valuation.
Parcel No. 104,	Section 20, Millcreek Township.....	\$1,383.00
Parcel No. 129,	Section 21, Millcreek Township.....	310.00
Parcel No. 130,	Section 21, Millcreek Township.....	2,045.00
Parcel No. 98,	Section 20, Millcreek Township.....	941.00
Parcel No. 99,	Section 20, Millcreek Township.....	164.00
Parcel No. 144,	Section 27, Millcreek Township.....	135.00

An examination of said leases shows that the same are in conformity with the provisions of said act above referred to, and with other statutory provisions relating to the execution of leases of this kind. Said leases are therefore approved as to form.

In so far as section 9 of said act requires the sale or lease of abandoned Miami and Erie Canal lands covered by said act, to be approved by the Attorney General, the leases made by you of the several parcels of abandoned canal lands are hereby approved, as is evidenced by my approval endorsed on said respective leases and on the duplicate and triplicate copies thereof.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

386.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN JEFFERSON TOWNSHIP, ADAMS COUNTY, OHIO—BESSIE McCORMICK AND IRENE MILLER.

COLUMBUS, OHIO, May 8, 1929.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval corrected abstract of title, warranty deed, encumbrance estimate No. 4794, and controlling board certificate, relating to the proposed purchase of eight several tracts of land in Jefferson Township, Adams County, Ohio, aggregating 391 acres, more or less, and owned of record by Bessie McCormick and Irene Miller.

An examination of the corrected abstract of title submitted shows that Bessie McCormick and Irene Miller have a good and indefeasible fee simple title to the several tracts of land above mentioned, subject only to the lien of the taxes for the last half of the year 1928, which are due and payable in June, 1929, and of the undetermined tax for the year 1929, amounting approximately to \$92.30. The amount of the unpaid tax for the year 1928 is not stated in the abstract. The title of said Bessie McCormick and Irene Miller to said lands is therefore hereby approved, except as

to the taxes above mentioned, as to which some adjustment should be made before the transaction relating to the purchase of these lands is closed.

An examination of the warranty deed tendered to the state shows that same has been properly signed and otherwise executed and acknowledged by Bessie McCormick, Irene Miller and C. W. Miller, husband of Irene Miller, and that said deed is in form sufficient to convey to the State of Ohio a fee simple title to the several tracts of land therein described, free and clear of the dower interest of the said C. W. Miller and free and clear of all incumbrances whatsoever.

A comparison of the description of said several tracts of land contained in the deed with the description of said tracts set out in the abstract shows so many discrepancies that I feel justified in withholding my approval of said warranty deed without further assurance that the description of said tracts of land as set out in said deed is correct. In this connection it is suggested that the warranty deed and the corrected abstract be returned to said Bessie McCormick and Irene Miller to the end that the abstractor may again check the description in the deed with that set out in the abstract and, if necessary, correct the description of this property in the deed.

Encumbrance estimate No. 4794, submitted with said abstract, has been properly executed and shows that there are sufficient balances in the proper appropriation account to pay the purchase price of these lands.

It is likewise noted from the controlling board certificate submitted that the purchase of the lands here in question was authorized by the controlling board at a meeting of said board held on December 20, 1928.

I am herewith returning to you said corrected abstract of title, warranty deed, encumbrance estimate No. 4794, and controlling board certificate.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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387.

APPROVAL, LEASE TO ABANDONED MIAMI AND ERIE CANAL LANDS,  
MIAMI COUNTY—PIQUA AND TROY BRANCH RAILROAD COM-  
PANY.

COLUMBUS, OHIO, May 8, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a certain lease in triplicate executed by you as Superintendent of Public Works and as Director thereof, to the Piqua and Troy Branch Railroad Company. By the lease here in question, there is leased and demised to said railroad company for a term of ninety years the right to occupy and use for railroad purposes a portion of the abandoned Miami and Erie Canal property, located in Sections 29 and 32, Township 6 North, Range 6 East, Miami County, Ohio, which parcel and strip of ground leased is more particularly described in the lease here under consideration.

An examination of the provisions of this lease shows that the same is in conformity with the provisions of House Bill No. 162, passed by the 86th General Assembly, 111 O. L. 208. Under the provisions of said act, however, Sections 13965, et seq., General Code, clearly apply to leases of abandoned Miami and Erie Canal lands made to persons and corporations other than municipal corporations and other political subdivisions applying therefor. In this connection, I may say that without the